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| APPLICATION NO. | F | ILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
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| 10/721,807 11/25/2003 | | 11/25/2003 | Thomas M. Floyd JR. | FMC-2 | FMC-2 6207 | |
| 44728 | 7590 | 10/10/2006 | • | EXAMINER | | |
| J. BENNE | IT MULI | LINAX, LLC | PATTERSON, MARC A | | | |
| P. O. BOX 2 | 26029 | | | | | |
| GREENVIL | LE. SC | 29616-1029 | | ART UNIT | PAPER NUMBER | |
| | | | | 1772 | | |

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions from may be evaluate used the provision of 37 CPR 1-13(b). In ne event, however, may a reply be limely filled 1 NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failur to reply willshis the sor ocharded period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failur to reply willshis to set or confided gening for reply will, by statutic, such the application, and provided by the Office Island the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failur to reply will will have been considered and the provided and the maximum statutory period will apply and undergive SIX (8) MONTHS from the mailing date of this communication. Failur to reply will will be set or construction of the application is non-final. 3 Prints action is FINAL. 2 Disposition of Claims 4 Disposition of Claims is side of the application. 4 Disposition of Claims is side of the application. 4 Disposition of Claims is side of the application. 5 Disposition of Claims is side of the application. 5 Disposition of Claims is side of the prints withdrawn from consideration. 5 Disposition of Claims is side of the prints withdrawn from consideration. 5 Disposition of Claims is side of the prints withdrawn from consideration. 5 Disposition of Disposition of the prints of the construction is required in the construction is replication of the prints of the prints of the prints of th | | · | | | | | |
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| Examiner Art Unit Marc A. Patterson 1772 1 | | Application No. | Applicant(s) | | | | |
| Marc A Patterson 1772 | Office Action Commence | 10/721,807 | FLOYD, THOMAS M. | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estanciano from emp to available under the aproximal of 2°CFR 1.19(a). In owner, however, may reply be timely field If NO period for reply is pecified above, the maximum statutions period will apply and will expire 50 kg (MANTHS for the mailing date of this communication. Fallurs to reply within the east or extended partod for reply is pecified above, the maximum statutions period will apply and will expire 50 kg (MANTHS for the mailing date of this communication. Fallurs to reply within the east or extended partod for reply like y statution, cause the application to become #8NNDCMED (SU S.C. \$ 133). Alter projety recovered by the Otice later than three markets the mailing date of this communication, even if creatly field, may reduce any search plants that mediparisms. Status 1) | Office Action Summary | Examiner | Art Unit | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. • Extensions of time may be available under the protections of 37 CPT 1.30(a). In no event, however, may a reply be timely filled • Extensions of time may be available under the protections of 37 CPT 1.30(a). In no event, however, may a reply be timely filled • Extensions of time may be available under the protections of 37 CPT 1.30(a). In no event, however, may a reply be timely filled • Extensions of the protection of the protection of 37 CPT 1.30(b). In no event, however, may a reply be timely filled • Extensions of the protection of the protection of 37 CPT 1.30(b). In no event, however, may a reply be timely filled • Extensions of the protection of | | | | | | | |
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| 1) Responsive to communication(s) filed on | WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing | ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be to the second will expire SIX (6) MONTHS from the application to become ABANDON | ON. timely filed m the mailing date of this communication. IED (35 U.S.C. § 133). | | | | |
| 2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are ejected. 7) Claim(s) is/are rejected to. 8) Claim(s) 1-8 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * O None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. | Status | | | | | | |
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| * See the attached detailed Office action for a list of the certified copies not received. *Attachment(s) Attachment(s) | · | • | ved in this National Stage | | | | |
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| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4 Paper No(s)/Mail Date 5 Notice of Informat Patent Application | | 4) Interview Summer | rv (PTO-413) | | | | |
| , = | 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail [| Date | | | | |
| | | | Patent Application | | | | |

Application/Control Number: 10/721,807

Art Unit: 1772

DETAILED ACTION

Election/Restrictions

- 1. This application contains claims directed to the following patentably distinct species:
 - i. A multiple ply bag which is tubular (Claim 1).
 - ii. An improvement in a multi wall bag (Claim 2)
 - iii A multiple ply bag having an extrusion coating (Claim 3).
 - iv. A multiple ply bag comprising uncoated paper (Claims 4 8).

The species are independent or distinct because of the tubular limitation in Claim 1 and improvement limitation of Claim 2 and coating limitation of Claim 3 and paper limitation of Claim 4.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, Claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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2. A telephone call was made to Mr. J Bennett Mulinax on August 19, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc A. Patterson, PhD.
Primary Examiner
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